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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/843,289	04/24/2001	Antonio Atwater	338528002US1	7918

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EXAMINER
NGUYEN, PHUONGCHAU BA

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	09/843,289	ATWATER ET AL.
	Examiner	Art Unit	
	PHUONGCHAU BA NGUYEN	2416	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

    A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>*Pre-Brief Appeal conference 12.29.8*</u> .

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
    closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>25-101</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>25-101</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>08 January 2002</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
        application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
  Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
  Paper No(s)/Mail Date _____.
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

Claim Rejections – 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or
> described as set forth in section 102 of this title, if the differences between the subject
> matter sought to be patented and the prior art are such that the subject matter as a whole
> would have been obvious at the time the invention was made to a person having ordinary
> skill in the art to which said subject matter pertains. Patentability shall not be negatived by
> the manner in which the invention was made.

2.   Claims 25, 27–32, 35–38, 40–42, 44–51, 53–55, 57–58, 60–63, 67–71,

73–81, 83–87, 90–92, 94–97, 99–101 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Shur (6,259,701) in view of Hunt (5,893,091).

Regarding claims 25, 46, 58, 75, 81,

Shur (6,259,701) discloses a method in a computer system for

distributing lists of available channels to subscriber units, each channel being

assigned an IP multicast group the method comprising:

(HTTP Server 206) receiving from a subscriber unit (301-1, figs.2-3) a

request (by selecting URL on an HTML web page presented to it by HTTP server

206) for a list of available channels (a list of multicast sessions presently on IP

Multicast network 101), the request including information identifying a

subscriber (potential conferee) (see col.4, lines 50-52 & step 403-fig.4),

upon receiving the request (HTTP Server),

(HTTP Server) identifying one or more available channels (a list of

sessions) that the identified subscriber (authenticated user) is permitted

to access (steps 405-406, fig.4, col.4, lines 52-56), and

(HTTP Server) sending (returns) to the subscriber unit (the user) a

response (a page containing a list of sessions, col.4, lines 55-56) to the

received request with an indication of the identified channels (a list of

session presently on IP Multicast network 101), identifying the IP

multicast group assigned to each identified channel (a page containing

details of the session and buttons enabling the client to request the

session to start, as well as other functions to be described later herein-

see col.4, line 61-col.5, line 17).

Shur does not explicitly disclose the request and the response being sent

using HTTP protocol. However, in the same field of endeavor, Hunt (5,893,091)

discloses Worldwide Web servers communicating with clients using the

Hypertext Transfer Protocol (HTTP), see col.1, line 28-col.2, line 30 & col.3, line

49-col.4, line 16). Therefore, it would have been obvious to an artisan at the

time of the invention was made to apply Hunt's teaching of HTTP as an Internet

protocol to Shur's system with the motivation being to rapidly distributing the

hypertext documents, delivering files when clients request them, and allowing

greater control over what the user can access.

Regarding claims 27, 47,

Shur discloses wherein the identifying of one or more available channels

identifies less than all of the available channels (user selected a session and

groups(s) within a session, step 707-fig.7A).

Regarding claims 29, 49, 61, 84,

Shur does not explicitly disclose wherein available channels are provided

to the computer system by receiving from a plurality of content providers

indications of channels that are made available by that content provider.

However, in the same field of endeavor, Hunt further discloses the Timely

Information Providers 2a-2c connecting to the Timely Information Server 4

which creates and sends alerts (available channels that were created from

incoming information and its keyword dictionary) over computer network using

IP multicast to users (figs.1-3, col.7, line 53-col.9, line 56). Therefore, it would

have been obvious to an artisan at the time of the invention was made to apply

Hunt's teaching for managing and distributing information in form of alerts

(available channels) to users from participating content providers (col.4, lines

38-47) via IP multicasting to Shur's system with the motivation being to deliver

user notifications of new information posted by participating content providers

(Time Information Providers).

Regarding claims 36, 50, 68, 78, 91,

Shur discloses wherein the computer system (HTTP Server, fig.2) is

located at a central office (Multicast Unicast Server 120, fig.2)

Regarding claims 38, 70, 93,

Shur further discloses wherein an available channel (session presently on

IP Multicast network 101) is a channel (session) whose data is currently being

multicasted (col.4, lines 6-8, 14-16).

Regarding claims 41, 54, 96,

Shur discloses providing a subscribed channel list for a subscriber (after

the client is authenticated successfully, HTTP server providing a list of sessions

to client) that indicates the channels (sessions) which the subscriber is

permitted to access (col.5, line 35-col.6, line 3).

Regarding claims 42, 55, 71, 80, 97,

Shur discloses wherein data for a channel is received at the computer

system and forwarded to the subscriber unit (col.3, lines 36-42 wherein the

Multicast Unicast Server receives and sends data on those groups within a

session selected by client on behalf of the client).

Regarding claims 45, 57, 74, 100,

Shur discloses wherein the request is sent in response to the subscriber

requesting to view the list (col.4, lines 50-52; col.5, line 31-col.6, line 3).

Regarding claims 28, 48, 60, 76, 83,

Shur further discloses wherein the response is sent via unicast to the

subscriber unit (fig.1, col.2, line 64-col.3, line 54).

Regarding claims 30, 62, 85

Shur further discloses wherein an indication that a channel (session) is

made available by a content provider (Time Information Provider in Hunt) is sent

using a session announcement protocol (col.5, line 35-col.6, line 3).

Regarding claims 31, 63, 86,

Shur further discloses wherein each available channel (each valid session

for authenticated user) has a channel source address (particular address) that is

provided by the content provider (col.2, lines 56-60; also see col.3, lines 43-

45).

Regarding claims 37, 51, 69, 79, 92,

Shur further discloses wherein a subscriber unit is connected to the

computer system via a DSL connection (col.2, line 64-col.3, line 32).

Regarding claims 26, 59, 82,

Shur further discloses (claims 59, 82) when the subscriber selects to

access a channel indicated in the response (407-fig.4), the subscriber unit

sends to an IP router a request to join the IP multicast group assigned to the

channel selected to be accessed (411-fig.4) and whereby the IP router routes

the data of the selected channel to the subscriber unit (col.5, lines 9-17).

Shur does not explicitly discloses the request to join the IP multicast

group being an Internet Group Management Protocol (IGMP) request (claim 26).

However, in the same field of endeavor, Hunt further discloses an IGMP request

to join, col.2, lines 50-56. Therefore, it would have been obvious to an artisan

at the time of the invention was made to apply Hunt's teaching of IGMP request

to join to Shur's system with the motivation being to provide the selected

channel to user upon request to tune in the request channel, i.e., web channel.

Regarding claims 32 & 40, 53, 64, 94-95,

Shur further discloses wherein the channel source address is an IP

address (col.3, lines 42-54)

Regarding claim 35, 67, 90,

Shur discloses (claims 67, 90) wherein when a subscriber selects to

receive an available channel (selected session) indicated in a response (from

server), see step 407-fig.4, the subscriber unit sends a request to join the IP

multicast group associated with the selected channel (411-fig.4).

Shur does not explicitly discloses the subscriber unit adapted to leave the

IP multicast group via a sent Internet Group Management Protocol (IGMP)

request to leave the multicast group (claim 35). However, in the same field of

endeavor, Hunt further discloses an IGMP request to leave, col.2, lines 52-56.

Therefore, it would have been obvious to an artisan at the time of the invention

was made to apply Hunt's teaching of IGMP request to leave to Shur's system

with the motivation being to cease the selected channel/session based upon

the user's request to be removed from the multicast group.

Regarding claims 44, 73, 99,

Shur further discloses wherein a multicast group is identified by an IP

address (col.3, lines 42-54).

Regarding claim 101,

Shur further discloses from a session announcement protocol server (SAP

Announcer 210-fig.2), announcing a conference session, via a periodic

multicasted announcement packet, the announcement packet having a same

group address range field as the conference session, the conference session

available via the subscriber unit (col.5, line 65-col.6, line 3; see also col.5, lines

35-57).

3.   Claims 33-34, 65-66, 88-89 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Shur in view of Hunt as applied to claims 25, 46, 75, 81

above, and further in view of Alexanders (6,324,163) .

Regarding claims 33, 65, 88,

        Shur-Hunt does not explicitly disclose wherein the channel source

address is an ATM channel.

        However, in the same field of endeavor, Alexander (6,324,163) discloses

wherein the channel source address is an ATM channel (col.2, lines 40-44).

Therefore, it would have been obvious an artisan at the time of the invention

was made to apply channel source address to Shur-Hunt's system as an ATM

channel with the motivation being to provide data over ATM network unicastly.

Regarding claims 34, 66, 89,

        Shur-Hunt does not explicitly disclose wherein the channel source

address is an ATM virtual path and transmission circuit.

However, in the same field of endeavor, Alexander (6,324,163) discloses wherein the channel source address is an ATM virtual path and transmission circuit (col.2, lines 40-44 wherein the VCC is ATM virtual path and the transmission circuit is inherent in the transmit functionality as when the data being transmitted to a destination-emphasis added). Therefore, it would have been obvious to an artisan at the time of the invention was made to apply Alexander's teaching of channel source address to Shur-Hunt's system as an ATM virtual path and transmission circuit with the motivation being to provide data over ATM network unicastly.

4.   Claims 39, 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shur in view of Hunt as applied to claims 25, 46, 58, 75, 81 above, and further in view of Giroir (7,051,103)

Regarding claims 39, 52,

Shur-Hunt does not explicitly disclose wherein the subscriber is identified using a media control access, the media access control address obtained from an Internet Protocol address via an Address Resolution Protocol.

However, in the same field of endeavor, Giroir further discloses an

Address Resolution Protocol (ARP) request comprising the Internet Protocol (IP)

address of a server the SNA client wants to access, sending an ARP response to

the SNA client, the ARP response comprising the Medium Access Control (MAC)

address of the access device (figure 4, col.9, lines 2-40). Therefore, it would

have been obvious to an artisan at the time of the invention was made to apply

Giror's teaching of identifying the MAC address from an IP address to Shur-

Hunt's system with the motivation being to provide real time interactive

distribution of multimedia information using the multicast IP service.

5.   Claims 43, 56, 72, 98 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Shur in view Hunt as applied to claims 25, 46, 58, 75, 81

above, and further in view of Acharya (5.903,559).

Regarding claims 43, 56, 72, 98,

Shur-Hunt does not explicitly disclose wherein data received at the

computer system is sent via a switched virtual circuit.

However, in the same field of endeavor, Acharya (5,903,559) discloses wherein data received at the computer system is sent via a switched virtual circuit (col.10, lines 42-55). Therefore, it would have been obvious to an artisan at the time of the invention was made to apply Acharya's teaching of switched virtual circuit (SVC) to Shur-Hunt's system with the motivation being to provide transmits data as a series of variable length packets, each having a circuit number that identifies its source and destination address.

Response to Amendment

6.   Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

7.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUONGCHAU BA NGUYEN whose telephone number is (571)272-3148. The examiner can normally be reached on Monday-Friday from 7:30 a.m. to 4:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on 571-272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/PHUONGCHAU BA NGUYEN/   /Ricky Ngo/
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